REMARKS

The present invention employs the advantages of software and/or hardware logic to implement unique features disclosed, for example in Figures 2 and 3 of our drawings.

Thus, the present invention enables a high speed dispensing of a large number of tokens, for example in a video arcade or casino environment, by providing a plurality of containers along with a visual display to the user to remove the containers until the purchased number of tokens have been fully dispensed. Thus, the customer can purchase a relatively large number of tokens and the token dispensing system and apparatus of the present invention can automatically calculate the quantity of tokens that can be dispensed in individual containers and repetitively dispense new containers while reminding the customer to remove each filled container so the full number of tokens are quickly provided to the customer.

The Office Action contended that applicant failed to disclose structure directed at switching among a plurality of containers and, therefore, arguments directed to this claimed advantageous feature were not provided with any patentable weight.

Applicant wishes to thank the Examiner for directing applicant's attention to the MPEP §2181 since it has been well established in the *In re Donaldson Company* case, 16 Fed.3d 1189 (Fed. Cir. 1994), that a means plus function limitation in accordance with 35 U.S.C. §112, sixth paragraph, must be provided patentable weight. As can be readily determined from our Figures, our inventor has clearly provided schematics and flowcharts to enable our token dispensing apparatus to implement specific switching among a plurality of containers while keeping a running total of the remaining number of tokens that are to be dispensed and automatically notifying the customer to remove a filled container whereby a second or subsequent container is released and dropped onto the dispensing section and filled with tokens.

As noted in Paragraph 0029 and with reference to Figure 2, the functions provided by our control unit can be implemented by software modules and our token dispensing unit is accordingly correlated to prevent any overflow of tokens and to fill the containers to their capacity, as noted in Paragraph 0040 of our specification.

As noted in the case of *In re Alappat*, 31 USPQ 2d 1545, 1558 (CAFC 1994), "means for" claim elements under 35 U.S.C. §112, sixth paragraph must be given patentable weight even if a general purpose computer could be programmed to carry out the invention because the programming creates "a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."

In our case, we have physically tangible claim elements that are controlled in a unique manner by a "control means" to implement the functions defined in the specification and Figures 2 and 3 to enable our invention.

Referring to the current claims, the functional features that can be implemented by the schematic drawings and flowchart steps are clearly not taught nor suggested by the cited references of record. These features must be given patentable weight because our invention has the structural elements that are driven by the control features to operate and function in a unique way, which is not disclosed nor suggested by any of the cited references.

The Office Action had primarily relied upon *Takemoto et al.* (U.S. Patent No. 5,366,110) as modified by the *Takemoto et al.* (U.S. Patent No. 5,429,362).

The *Takemoto* '110 reference basically separated the dispensing of tokens into a reserve holding hopper 4 of a limited capacity to address a problem of clogging that purportedly had occurred in the prior art. The preliminary hopper 4 had a conveyor belt horizontally positioned at its bottom and utilized an approved sensor 2 that did not count the tokens, but simply provided

a level detection. As can be recognized by Column 4, Lines 20, a schematic circuit was disclosed to show the implementation of the functions of the structure in the *Takemoto* '110 patent.

As can be readily appreciated, there was no flowchart provided in the '110 patent for implementing any software by a CPU since the prime purpose of this invention was to address a clogging problem by providing a unique preliminary hopper with a conveyor belt 3 as shown in Figure 5. The actual dispensing hopper shown in Figure 7 utilized a rotating drum 6B driven by the motor 22 to segregate the coins received from the preliminary hopper and pass them to the dispensing path 15. Again, a second level sensor 5 was utilized to limit the number of tokens and prevent the clogging problem in the dispensing hopper. Even the dispensing plate 10, had a level sensor 12 to limit the number of tokens.

Thus, the *Takemoto* '110 patent taught a first sensor 2 for simply measuring the level of tokens in the preliminary hopper 4 and a second sensor 5 for measuring the level of tokens in the second dispensing hopper 7. As can be readily appreciated, each of these sensors would not measure an exact number of coins to be dispensed. They would be adequate to measure a level of coins in the bowls of the respective hoppers to address simply the clogging problem that exists in the prior art.

A sensor 16 was mounted after a shutter 13 to actually measured the total number of coins that are dispensed.

A sliding closure 8 could move vertically up and down as shown in Figure 4 to close the port 1. As shown in Figure 5, again a level or approach sensor 12 is utilized simply to detect either presence or absence of tokens. See Column 4, Lines 10-14.

In summary, the tokens are to be released from the sliding closure 8 from the dispenser housing, and the advantage of this invention is defined as shown in Column 4, Line 65 to Column 5, Line 7 to a person of ordinary skill in this field as follows:

> If any of the approach sensors 2, 5, 12 detects a non-smooth supply of tokens, "clogging" is displayed so that an arcade keeper can take appropriate action to solve the problem. If continuous dispensing is to be done with the previously dispensed tokens left not taken out the token receiving port, dispensing of tokens can be done up to two times whereupon any further token dispensing and any further money inserting will be prohibited and, at the same time, clientele will be urged to remove the tokens from the port. (underline added)

The use of three separate approach sensors 2, 5 and 12, are to simply address the clogging problem by preventing an excess number of tokens to accumulate in the preliminary hopper, the dispenser hopper, and the receiving plate 10.

As noted above, the maximum dispensing of the tokens can only occur two times so that if there are any additional requests or entering of money to have additional tokens to be dispensed, an initial insertion of money will be prohibited until the tokens are cleared from the system.

The *Takemoto et al.* '362 reference was cited for the purposes of teaching a container detecting unit and a container dispensing unit. The actual dispensing of the coins was from an outlet 2 onto a tray 3 and as shown in Figure 2, a lever L could block the tray. The sensor 9 could determine the presence of a container.

In one embodiment, a transfer apparatus could horizontally move a cup to a position beneath the tray. As noted in Column 2, Lines 27-28, a player can purportedly place the cup directly under the discharge outlet 2 for receiving the coins. The use of the lever L would bar the

sliding release of coins and obviously the position of the paper cup would not prevent the dispensing of the coins from the outlet 2.

Additionally, the instructions to a person of ordinary skill also suggests in Column 2 that the outlet 3A would actually open when the paper cup on the supporting member is lifted by hand.

There is certainly no teaching or suggestion in the *Takemoto et al.* '362 patent to address the features of our present invention as implemented in Figures 2 and 3 and as set forth in our current claims.

Applicant believes that the present invention as defined in our current claims is allowable, and an early notification of allowance is requested.

Applicant respectfully requests a telephone interview on this case, and attached hereto is a formal request for an interview at the convenience of the Examiner.

If there are any questions with regards to this matter, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.

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